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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
WESTERN DIVISION

13 CENTOCOR ORTHO BIOTECH, INC.,

14 Plaintiff,

15 v.

16 GENENTECH, INC. AND CITY OF
HOPE,

17 Defendants.

18 GENENTECH, INC. AND CITY OF
19 HOPE,

20 Counter-Plaintiffs

21 v.

22 CENTOCOR ORTHO BIOTECH, INC.,

23 Counter-Defendant

24 AND

25 GLOBAL PHARMACEUTICAL
SUPPLY GROUP, LLC, CENTOCOR
BIOLOGICS, LLC, AND JOM
26 PHARMACEUTICAL SERVICES, INC.,

27 Third-party Defendants.

Case No. CV 08-03573 MRP (CTx)

The Honorable Mariana R. Pfaelzer

**[PROPOSED] ORDER
GRANTING GENENTECH,
INC.'S AND CITY OF HOPE'S
CROSS MOTION FOR
SUMMARY ADJUDICATION**

Date: August 17, 2010

Time: TBD

Ctrm: 12

Judge: Honorable Mariana R. Pfaelzer

1 Having considered Genentech, Inc.'s and City of Hope's Cross Motion for
2 Summary Adjudication, any opposition thereto, and the arguments of the parties for
3 and against the Motion, and good cause showing,

4 IT IS HEREBY ORDERED THAT:

5 1. Genentech, Inc. and City of Hope's Cross Motion for Summary
6 Adjudication is GRANTED.

7 2. The processes used to produce ReoPro, Remicade, Simponi, and Stelara
8 include the step of "independently expressing a first DNA sequence encoding at least
9 the variable domain of the immunoglobulin heavy chain and a second DNA sequence
10 encoding at least the variable domain of the immunoglobulin light chain so that said
11 immunoglobulin heavy and light chains are produced as separate molecules in said
12 single host cell" as recited in claim 33 of U.S. Patent No. 6,331,415.

13
14 IT IS SO ORDERED

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17 Dated: _____

18 Hon. Mariana R. Pfaelzer
19 United States District Judge
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